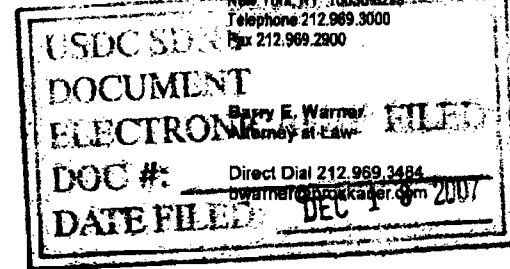


PROSKAUER ROSE LLP



December 17, 2007

By Hand

Honorable Kevin N. Fox  
 United States Magistrate Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St., Room 540  
 New York, NY 10007

**MEMO ENDORSED**

IT IS ORDERED that counsel to whom this Memo is transmitted is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Fisher v. Building Services 32BJ Health Fund, 07 civ. 5699 (LTS)(KNF)

Dear Judge Fox:

We are defense counsel in the above-referenced case. By Order of the Hon. Laura Taylor Swain, dated November 27, 2007, the Court extended the provisions of the October 22, 2007 Order of Discontinuance through December 17, 2007 to allow the parties time to finalize their settlement agreement.

Plaintiff and I have spoken frequently since the date of the Court's Order, including a conversation this morning, but as of this date have not yet finalized all terms. We are hopeful that we can do so, however, and so respectfully request that the provisions of the Order of Discontinuance be extended through and including January 8, 2008, with the expectations that the parties will achieve a mutually acceptable and complete resolution by that date.

*The request is granted.*

Respectfully submitted,

Barry E. Warner

SO ORDERED.

LAURA TAYLOR SWAIN  
 UNITED STATES DISTRICT JUDGE  
 12/18/2007

cc: Fred Fisher, D.D.S., Pro Se

Copies mailed/faxed to  
 Chambers of Judge Swain

*Def't's Counsel*  
*12-18-07*

\*\* TOTAL PAGE. 02 \*\*